IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 5TH JANUARY 2007 / 15TH PAUSHA 1928

WP(C).No. 31330 of 2006(D)

PETITIONER:

O.J.CICILY, W/O. THOMAS,
KUNNUMPURATHU HOUSE, MURIKASSERY P.O.,
VATHUKUDY VILLAGE, UDUMBANCHOLA TALUK,
IDUKKI DISTRICT.

BY ADV. SRI.P.A.NOOR MUHAMMED
SRI.C.K.PRASAD
SRI.T.S.ANURAJ

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, DEPARTMENT OF EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF EDUCATION,
GOVT. OF KERALA, THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF EDUCATION,
IDUKKI, THODUPUZHA P.O.

4. CORPORATE EDUCATIONAL AGENCY,
DIOCESE OF KOTHAMANGALAM, REPRESENTED BY
ITS SECRETARY, BISHOP HOUSE, KOTHAMANGALAM.

5. ASSISTANT EDUCATIONAL OFFICER,
ADIMALY, IDUKKI DISTRICT.

R1 TO R3 & R5 BY SR. GOVT. PLEADER (SHRI T.T. MUHAMMED)

BY ADV. SRI.V.M.KURIAN
SRI.MATHEW B. KURIAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO. 31330 OF 2006 D

EXT.P1 TRUE COPY OF LETTER NO.G 665/01 DATED 30.7.01 WRITTEN BY 4TH RESPONDENT TO THE AEO, ADIMALY.

EXT.P2 TRUE COPY OF THE ORDER NO.G 665/01 DATED 15.4.02 ISSUED BY 4TH RESPONDENT.

EXT.P3 TRUE COPY OF THE APPEAL DATED 20.5.2002 FILED BY PETITIONER BEFORE 3RD RESPONDENT.

EXT.P4 TRUE COPY OF LETTER NO.B2/13537/02 DATED 27.5.2003.

EXT.P5 TRUE COPY OF REPRESENTATION DT. 15.12.2004 MADE BY PETITIONER TO 3RD RESPONDENT.

EXT.P6 TRUE COPY OF THE JUDGMENT DATED 30.9.05 IN WP(C) NO.28020/05 OF THIS HONOURABLE COURT.

EXT.P7 TRUE COPY OF LETTER NO.B2/15618/05 DATED 22.11.2005 ISSUED BY THIRD RESPONDENT.

EXT.P8 TRUE COPY OF THE REVIEW PETITION DATED 23.1.2006 PREFERRED BY PETITIONER.

EXT.P9 TRUE COPY OF LETTER BEARING NO.V 1-5811/2006 DATED 17.6.2006.

// TRUE COPY //

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 31330 OF 2006 D

Dated this the 5th January, 2007

JUDGMENT

Case of the petitioner, in brief, is as follows:

She was working as a Peon and she was placed under suspension for fifteen days, which is illegally extended. Thereafter by Ext.P2, she was removed from service. By Ext.P7, it was set aside and she was recommended to be reinstated. Against the recommendation for imposition of penalty of barring of increment, petitioner has preferred Ext.P8 review petition before second respondent. According to petitioner, she has not been paid subsistence allowance also in respect of the suspension period.

2. Learned counsel for fourth respondent submits that in fact, a Revision Petition has been filed under Rule 92 against Ext.P7 order and there was an interim order also. In such circumstances, the Writ Petition is disposed of as follows:

There will be a direction to first respondent to consider and

take a decision on the Revision Petition filed by fourth respondent against Ext.P7 order in accordance with law, after hearing the petitioner and fourth respondent, within a period of two months from the date of receipt of a copy of this Judgment. Regarding the claim of petitioner for denial of subsistence allowance, it is open to the petitioner to point out this also before the first respondent and it is for the first respondent to pass appropriate orders in accordance with law on the same.

3. Learned counsel for petitioner submits that petitioner will file a Revision Petition in regard to the penalty of barring of increment, before the Government under Rule 92 within two weeks from today. If such a Revision is filed, the Government will pass appropriate orders on the same, after hearing the petitioner and fourth respondent, within a period of six weeks from the date of receipt of the Revision Petition. If the petitioner moves seeking interim relief regarding payment of subsistence allowance in the revision petition filed by her, appropriate orders will be passed thereon in accordance with law

after hearing the fourth respondent also, within a period of three weeks from the date of filing such interim application.

K. M. JOSEPH, JUDGE

kbk.